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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/657,942
Filing Date: September 09, 2003
Appellant(s): MARTIN ET AL.

Ognyan I. Beremski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 7, 2008 appealing from the Office action mailed July 13, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,393,474	Eichert et al.	05-2002
Publication: US 2002/0069278	Forslow	06-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. **Claims 1-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eichert et al. (US Patent 6,393,474)** in view of **Forslow (US Patent Application Publication 2002/0069278)**.

Consider **claim 1**, Eichert et al. discloses a method for hardware acceleration in a wired local area network, the method comprising:

creating at least one policy to be distributed among at least one of a plurality of access point groups (*the system administrator inputs instructions representing policy – Figure 3 – Column 3, Lines 42-57; Column 7, Lines 1-7; Column 8, Lines 31-42; Abstract*);

associating said at least one policy with a particular one of said access point groups
(policy is distributed to the different groups of network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63); and

distributing said associated at least one policy to at least one access point in said plurality of access point groups *(policy is distributed to the network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63; Column 9, Lines 11-26).*

However, Eichert et al. discloses that this administration of a network occurs in a wired network such as a LAN or WAN, and fails to disclose that this happens in a hybrid wired/wireless network such as a WLAN.

In related prior art, Forslow discloses a centralized administration of policies to one or more routers which act as access points to wireless users *(Abstract; Page 4, Paragraph 0066; Page 5, Paragraph 0088; Column 6, Lines 0091& 0097 – Figures 1-2).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Forslow with those of Eichert et al. because it is desirable to implement a policy management system that can be dynamically controlled in a wireless network, due to their wide popularity and the ever increasing mobility of society.

Consider **claim 10**, Eichert et al. discloses a machine-readable storage, having stored thereon a computer program having at least one code section for hardware acceleration in a wired local area network, the at least one code section executable by a machine for causing the machine to perform the steps comprising:

creating at least one policy to be distributed among at least one of a plurality of access point groups (*the system administrator inputs instructions representing policy – Figure 3 – Column 3, Lines 42-57; Column 7, Lines 1-7; Column 8, Lines 31-42; Abstract*);

associating said at least one policy with a particular one of said access point groups (*policy is distributed to the different groups of network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63*); and

distributing said associated at least one policy to at least one access point in said plurality of access point groups (*policy is distributed to the network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63; Column 9, Lines 11-26*).

However, Eichert et al. discloses that this administration of a network occurs in a wired network such as a LAN or WAN, and fails to disclose that this happens in a hybrid wired/wireless network such as a WLAN.

In related prior art, Forslow discloses a centralized administration of policies to one or more routers which act as access points to wireless users (*Abstract; Page 4, Paragraph 0066; Page 5, Paragraph 0088; Column 6, Lines 0091 & 0097 – Figures 1-2*).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Forslow with those of Eichert et al. because it is desirable to implement a policy management system that can be dynamically controlled in a wireless network, due to their wide popularity and the ever increasing mobility of society.

Consider **claim 19**, Eichert et al. discloses a system for hardware acceleration in a wired local area network, the method comprising:

means for creating at least one policy to be distributed among at least one of a plurality of access point groups (*the system administrator inputs instructions representing policy – Figure 3 – Column 3, Lines 42-57; Column 7, Lines 1-7; Column 8, Lines 31-42; Abstract*);

means for associating said at least one policy with a particular one of said access point groups (*policy is distributed to the different groups of network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63*); and

means for distributing said associated at least one policy to at least one access point in said plurality of access point groups (*policy is distributed to the network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63; Column 9, Lines 11-26*).

However, Eichert et al. discloses that this administration of a network occurs in a wired network such as a LAN or WAN, and fails to disclose that this happens in a hybrid wired/wireless network such as a WLAN.

In related prior art, Forslow discloses a centralized administration of policies to one or more routers which act as access points to wireless users (*Abstract; Page 4, Paragraph 0066; Page 5, Paragraph 0088; Column 6, Lines 0091& 0097 – Figures 1-2*).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Forslow with those of Eichert et al. because it is desirable to implement a policy management system that can be dynamically controlled in a wireless network, due to their wide popularity and the ever increasing mobility of society.

Consider **claim 2**, as applied to claim 1 above, Eichert et al. as modified by Forslow further discloses identifying said associated policy to be distributed to said particular one of said access point groups (*Eichert et al. – Column 2, Lines 6-27; Column 7, Lines 1-6 & 48-56*).

Consider **claim 3**, as applied to claim 2 above, Eichert et al. as modified by Forslow further discloses conditioning said selection of said identified policy upon occurrence of an event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56*).

Consider **claim 4**, as applied to claim 3 above, Eichert et al. as modified by Forslow further discloses distributing said identified policy to said particular one of said access point groups upon said occurrence of said event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-10*).

Consider **claim 5**, as applied to claim 4 above, Eichert et al. as modified by Forslow further discloses associating said at least one policy with a particular access point in said particular one of said access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 6**, as applied to claim 5 above, Eichert et al. as modified by Forslow further discloses distributing said identified policy to said particular access point in said particular one of said access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 7**, as applied to claim 1 above, Eichert et al. as modified by Forslow further discloses communicating said at least one policy from at least one of a switch and a server to at least one access point in said plurality of access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 8**, as applied to claim 7 above, Eichert et al. as modified by Forslow further discloses broadcasting said at least one policy from said at least one of a switch and a server to said at least a portion of said plurality of access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: Forslow – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095*).

Consider **claim 9**, as applied to claim 8 above, Eichert et al. as modified by Forslow further discloses distributing said at least one policy via at least one messaging protocol message (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: Forslow – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095*).

Consider **claim 11**, as applied to claim 10 above, Eichert et al. as modified by Forslow further discloses code for identifying said associated policy to be distributed to said particular one of said access point groups (*Eichert et al. – Column 2, Lines 6-27; Column 7, Lines 1-6 & 48-56*).

Consider **claim 12**, as applied to claim 11 above, Eichert et al. as modified by Forslow further discloses code for conditioning said selection of said identified policy upon occurrence of an event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56*).

Consider **claim 13**, as applied to claim 12 above, Eichert et al. as modified by Forslow further discloses code for distributing said identified policy to said particular one of said access point groups upon said occurrence of said event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-10*).

Consider **claim 14**, as applied to claim 13 above, Eichert et al. as modified by Forslow further discloses code for associating said at least one policy with a particular access point in said particular one of said access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 15**, as applied to claim 14 above, Eichert et al. as modified by Forslow further discloses code for distributing said identified policy to said particular access point in said particular one of said access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 16**, as applied to claim 10 above, Eichert et al. as modified by Forslow further discloses code for communicating said at least one policy from at least one of a switch and a server to at least one access point in said plurality of access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 17**, as applied to claim 16 above, Eichert et al. as modified by Forslow further discloses code for broadcasting said at least one policy from said at least one of a switch and a server to said at least a portion of said plurality of access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: Forslow – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095*).

Consider **claim 18**, as applied to claim 17 above, Eichert et al. as modified by Forslow further discloses code for distributing said at least one policy via at least one messaging protocol message (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42;*

Column 9, Lines 1-32 :: Forslow – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095).

Consider **claim 20**, as applied to claim 19 above, Eichert et al. as modified by Forslow further discloses means for identifying said associated policy to be distributed to said particular one of said access point groups (*Eichert et al. – Column 2, Lines 6-27; Column 7, Lines 1-6 & 48-56*).

Consider **claim 21**, as applied to claim 20 above, Eichert et al. as modified by Forslow further discloses means for conditioning said selection of said identified policy upon occurrence of an event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56*).

Consider **claim 22**, as applied to claim 21 above, Eichert et al. as modified by Forslow further discloses means for distributing said identified policy to said particular one of said access point groups upon said occurrence of said event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-10*).

Consider **claim 23**, as applied to claim 22 above, Eichert et al. as modified by Forslow further discloses means for associating said at least one policy with a particular access point in said particular one of said access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 24**, as applied to claim 23 above, Eichert et al. as modified by Forslow further discloses means for distributing said identified policy to said particular access point in said particular one of said access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 25**, as applied to claim 19 above, Eichert et al. as modified by Forslow further discloses means for communicating said at least one policy from at least one of a switch and a server to at least one access point in said plurality of access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 26**, as applied to claim 25 above, Eichert et al. as modified by Forslow further discloses means for broadcasting said at least one policy from said at least one of a switch and a server to said at least a portion of said plurality of access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: Forslow – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095*).

Consider **claim 27**, as applied to claim 26 above, Eichert et al. as modified by Forslow further discloses means for distributing said at least one policy via at least one messaging protocol message (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: Forslow – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; Page 6, paragraph 0095*).

(10) Response to Argument

The following is in response to Appellant's arguments that the proposed combination of Eichert et al. and Forslow does not render claims 1-27 unpatentable.

Independent Claims 1, 10, and 19

With regard to independent claims 1, 10, and 19, Appellant has argued in section **A1**, beginning on Page 6 of the brief, that Eichert et al. fails to disclose "**associating** said at least one **policy with** a particular **one of said access point groups**." The Examiner respectfully disagrees because Eichert et al. discloses associating a policy with multiple network devices. When a policy is to be distributed, all of the affected network devices receive the new policy. Each affected network device receives the new policy. As a consequence of distributing the policy to multiple network enforcement devices (which include access points, i.e. devices which at provide network access to end users – Figure 1 – Column 2, Lines 9-16; 28-46; Column 3, Lines 42-57) an access point group is constituted, and is as a result understood as “associating said at least one policy with a particular one of said access point groups.” Eichert et al. additionally mentions distributing the policy to multiple network devices in Column 2, Lines 46-54 and Column 7, Lines 34-38 where they note that the policy is encapsulated for transmission to active network devices. They continue to state that several enforcement devices may be utilized to execute the policy (Column 3, Lines 29-31). In Column 4, Lines 1-18 and as shown in Figure 3 at step 360 they discuss that enforcement devices retrieve the policy once they are notified of the update. As a means for supporting legacy systems they state the advantage of enabling new policy implementations to be distributed to devices... using this system (Column 4, Lines 48-58). The policy distribution techniques are also described in Column 7, Lines 1-7 and 31-57 and Column 8, Lines 31-42.

Additionally, Appellant states on Page 8, Line 1 of the brief that neither Eichert et al. nor Forslow teach or suggest "associating said at least one policy with a particular one of said access

point groups.” The Examiner respectfully disagrees for the reasons cited above regarding Eichert et al. and supplementally notes that although not specifically relied upon for the rejection of the above cited limitation, Forslow does in fact disclose distributing policy rules to multiple mobile service routers for a workgroup in at least Paragraph 0088 on Page 5.

With regards to Appellant’s remarks in section **A2**, beginning on Page 8 of the brief, regarding sending the policy only to a single device and not an access point group, please see the above arguments, beginning on Page 12.

Dependent Claims 2, 11, and 20

Regarding dependent claims 2, 11, and 20, Appellant has stated in section **B**, beginning on Page 9 of the brief, regarding the Eichert et al.-Forslow combination that:

The Applicant would like to point out that even though Eichert discloses, at the above citations, that a system administrator may input instructions representing policy through an interface, Eichert clearly does not disclose or suggest that the management station 100, or any other device on Eichert's network, *identifies the associated policy* that is to be distributed to a particular one of access point groups. (Italics added)

The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 6 and section (9) at Page 7 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses the system administrator defines policies by inputting instructions (Column 2, Lines 6-27 and Column 7, Lines 1-6 and 48-56) which define (i.e. identify) the policy. Additionally, the appropriate network devices are notified when the policy is ready to be updated (Column 4, Lines 1-19).

Dependent Claims 3, 12, and 21

Regarding dependent claims 3, 12, and 21, Appellant has stated in section C, beginning on Page 11 of the brief, regarding the Eichert et al.-Forslow combination that:

The Applicant would like to point out that even though Eichert discloses, at the above citations, that the object file is retrieved as soon as it is available on a directory server or distributed database, Eichert clearly does not disclose or suggest that selection of the identified policy is conditioned upon *occurrence of an event*, as recited by the Applicant in claim 3. (Italics added)

The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 7 and section (9) at Page 7 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses the changing of a state or variable occurs which then leads to distribution of the associated policy (Column 4, Lines 1-19; Column 7, lines 46-56). This is understood as an "occurrence of an event."

Dependent Claims 4, 13, and 22

Regarding dependent claims 4, 13, and 22, Appellant has stated in section D, beginning on Page 12 of the brief, regarding the Eichert et al.-Forslow combination that:

The Applicant would like to point out that even though Eichert discloses, at the above citations, that the new policy object file may be retrieved by the enforcement device (column 4) and distributed throughout the network (column 8), Eichert clearly does not disclose or suggest distributing of the identified policy *to a particular one of the access point groups*, as recited by the Applicant in claim 4. (Italics added)

The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 7 and section (9) at Page 7 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses that when the state or variable changes the policy is distributed (Column 4, Lines 1-19). The appropriate multiple network devices (function as a group as discussed above regarding independent claims 1, 10, and 19 on Page 12). This is understood as "to a particular one of the access point groups."

Dependent Claims 5, 14, and 23

Regarding dependent claims 5, 14, and 23, Appellant has stated in section E, beginning on Page 13 of the brief, regarding the Eichert et al.-Forslow combination that:

The Applicant would like to point out that even though Eichert discloses, at the above citations, that the new policy object file may be retrieved by the enforcement device (column 4) and distributed throughout the network (column 8), Eichert clearly does not disclose or suggest *associating the policy with a particular access point* in the particular one of the access point groups, as recited by the Applicant in claim 5. (Italics added)

The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 7 and section (9) at Page 7 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses that the policy is associated to each network device affected by the update (Column 4, Lines 1-19; Column 9, Lines 1-32). This is understood as "associating... with a particular access point ... in said access point group."

Dependent Claims 6, 15, and 24

Regarding dependent claims 6, 15, and 24, Appellant has stated in section **F**, beginning on Page 15 of the brief, regarding the Eichert et al.-Forslow combination that:

The Applicant would like to point out that even though Eichert discloses, at the above citations, that the new policy object file may be retrieved by the enforcement device (column 4) and distributed throughout the network (column 8), Eichert clearly does not disclose or suggest *distributing of the identified policy to the particular access point* in the particular one of the access point groups, as recited by the Applicant in claim 6. (Italics added)

The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 7 and section (9) at Page 7 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses distributing the policy because the object file is distributed among the enforcement devices (“group” as discussed on Page 12 above) (Column 4, Lines 1019 and Column 9, Lines 1-32). Since the enforcement device is the device providing network access to end users this is understood as “distributing said identified policy to said particular access point is said particular one of said access point groups.”

Dependent Claims 7, 16, and 25

Regarding dependent claims 7, 16, and 25, Appellant has stated in section **G**, beginning on Page 16 of the brief, regarding the Eichert et al.-Forslow combination that:

The Applicant would like to point out that even though Eichert discloses, at the above citations, that the new policy object file may be retrieved by the enforcement device (column 4) and distributed throughout the network (column 8), Eichert clearly does not disclose or suggest *communicating the at least one*

policy from a switch and/or a server to at least one access point in the plurality of access point groups, as recited by the Applicant in claim 7. (Italics added)

The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 7 and section (9) at Page 7 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses that the policy is placed on a server which then sends the policy to the enforcement devices ("group" as discussed on Page 12 above) (Column 4, Lines 1-19 and Column 9, Lines 1-32). This is understood as "communicating said at least one policy from at least one of a switch and a server to at least one access point in said plurality of access point groups."

Dependent Claims 8, 17, and 26

Regarding dependent claims 8, 17, and 26, Appellant has stated in section **H**, beginning on Page 17 of the brief, regarding the Eichert et al.-Forslow combination that:

Eichert discloses, at the above citations, that the new policy object file may be retrieved by the enforcement device (column 4) and distributed throughout the network (column 8) or to enforcement devices (column 9). Forslow discloses MANET enhancement of routing protocols (Paragraph 0034), components of a mobile VPN (Paragraph 0066), basic components in a network-based mobile workgroup system (Paragraph 0088), and forming of virtual overlay networks (Paragraph 0095). However, neither Eichert nor Forslow disclose *broadcasting the at least one policy from the switch and/or the server to the at least a portion of the plurality of access point groups*, as recited in Applicant's claim 8. (Italics added)

The Examiner respectfully disagrees because, as noted in the Final Office Action on Pages 7-8 and section (9) at Page 8 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses that the policy is placed on a server which then

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sends the policy to the enforcement devices (Column 4, Lines 1-19 and Column 9, Lines 1-32).

This is understood as "broadcasting said at least one policy from at least one of a switch and a server to at least one access point in said plurality of access point groups" as the policy is sent from the server to the plural enforcement devices ("group" as discussed on Page 12 above).

Additionally, Forslow discloses pushing the policy down to one or more service routers (Page 5, Paragraph 0088).

Dependent Claims 9, 18, and 27

Regarding dependent claims 9, 18, and 27, Appellant has stated in section I, beginning on Page 19 of the brief, regarding the Eichert et al.-Forslow combination that:

Eichert discloses, at the above citations, that the new policy object file may be retrieved by the enforcement device (column 4) and distributed throughout the network (column 8) or to enforcement devices (column 9). Forslow discloses MANET enhancement of routing protocols (Paragraph 0034), components of a mobile VPN (Paragraph 0066), basic components in a network-based mobile workgroup system (Paragraph 0088), and forming of virtual overlay networks (Paragraph 0095). However, neither Eichert nor Forslow disclose distributing the at least one policy via at least *one messaging protocol message*, as recited in Applicant's claim 9. In fact, neither Eichert nor Forslow disclose any distribution of protocol messages. (Italics added)

The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 8 and section (9) at Page 8 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses that the policy is placed on a server which then sends the policy to the enforcement devices (Column 4, Lines 1-19 and Column 9, Lines 1-32). This is understood as "distributing said at least one policy via at least one messaging protocol message" as the policy is sent from the server to the plural enforcement devices ("group" as discussed on

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Page 12 above) as an encapsulated active packet (Column 2, Lines 47-54). Additionally, Forslow discloses pushing the policy down to one or more service routers (Page 5, Paragraph 0088).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

*/Simon A. Goetze/
Examiner, Art Unit 2617*

March 28, 2008

Conferees:

*/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617*

*/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2617*